

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2008-024712

02/24/2011

HONORABLE L. GRANT

CLERK OF THE COURT  
T. Soto  
Deputy

SUNRISE BANK OF ARIZONA

DAVID LEE ALLEN

v.

BUILDING DEVELOPMENT SYSTEM L P, et  
al.

MELANIE G MCBRIDE

JOSHUA M BOLEN  
RONALD M HORWITZ

CASE UNDER ADVISEMENT

Courtroom SEF 206

9:27 a.m. This is the time set for Oral Argument. Counsel, David Allen and Laura Rogal, participate on behalf of Plaintiff, Sunrise Bank of Arizona, who is not present. Counsel, Melanie McBride, participates on behalf of Defendant, Building Development System, who is not present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is heard Plaintiff's Motions for Summary Judgment.

10:35 a.m. The Court stands in recess.

10:43 a.m. Court reconvenes with counsel present.

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Argument continues on Plaintiff and Defendants' Motions for Summary Judgment.

12:13 p.m. Court stands in recess.

1:37 p.m. Court reconvenes with counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument continues on Plaintiff and Defendants' Motions for Summary Judgment.

2:03 p.m. Court stands in recess.

2:06 p.m. Court reconvenes with counsel present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument continues on Plaintiff and Defendants' Motions for Summary Judgment.

With respect to the Counterclaim by Sunrise Bank regarding the Tort Claims, the Court finds that Sunrise did not have a fiduciary duty in this case. Therefore,

**IT IS ORDERED** dismissing the claim for breach of fiduciary duty.

**IT IS FURTHER ORDERED** dismissing the Claim for Interference with Business Expectations.

**IT IS FURTHER ORDERED** dismissing the Claim for Interference with Contract.

**IT IS FURTHER ORDERED** dismissing the Claim for Tort of Good Faith and Fair Dealing.

**IT IS FURTHER ORDERED** dismissing the Claim for Quiet Title.

**IT IS FURTHER ORDERED** taking remaining Plaintiff and Defendants' Motions for Summary Judgment under advisement.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.  
Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

3:09 p.m. Hearing concludes